

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA**

DAVID WAYNE SCONCE,
Plaintiff(s),
vs.
JASON MARKS, et al.,
Defendant(s). }
Case No. 9:15-cv-00060-KJD
REPORT AND RECOMMENDATION

On March 10, 2016, the Court found Plaintiff's application to proceed *in forma pauperis* to be incomplete. Docket No. 8. The Court ordered Plaintiff to file a completed application or pay the filing fee by March 24, 2016. *Id.* at 2. The Court warned Plaintiff that "If failure to comply with this Order will result in a recommendation to the District Judge that this case be dismissed." *Id.* To date, Plaintiff has not filed a further application to proceed *in forma pauperis* nor paid the filing fee. The Court has also not received a motion to extend that deadline.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice.

Dated: April 6, 2016

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).